

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

ORDER
05-CV-339S

THOMAS A. MIERZWA, JR., ET AL.,

Defendants.

On February 14, 2007, counsel filed a "Joint Application and Stipulation to Amend Scheduling Order and for Other Relief" for this Court's approval. (See Docket No. 34.) The Application and Stipulation is approved as follows:

IT HEREBY IS ORDERED, that Plaintiff's Motion for Summary Judgment (Docket No. 22) is DENIED without prejudice, in light of the fact that the parties are in need of additional discovery. Leave to file dispositive motions at the conclusion of the additional discovery period is GRANTED.

FURTHER, that the parties' joint request for additional time to complete discovery is GRANTED. The discovery deadline is extended to May 21, 2007.

FURTHER, that Defendants' Request for Admissions (Docket No. 29) is deemed WITHDRAWN without prejudice.

FURTHER, that counsel for the parties shall contact Judge Foschio after the conclusion of the additional discovery period but not after May 31, 2007, to schedule (1) further proceedings as Judge Foschio deems necessary to resolve the issue of the computation of the amount due from the defendants, and (2) a subsequent settlement conference.

FURTHER, that the parties shall file a joint status report on June 29, 2007, detailing the status of this case.

SO ORDERED.

Dated: February 16, 2007
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge